



PAUL A. BRADLEY  
Attorney At Law

MARON MARVEL BRADLEY & ANDERSON, P.A.

1201 NORTH MARKET STREET, SUITE 900  
WILMINGTON, DELAWARE 19801  
(302) 425-5177 | (302) 425-0180 fax

Email Address:  
[pab@maronmarvel.com](mailto:pab@maronmarvel.com)

Mailing Address:  
P.O. Box 288  
Wilmington, Delaware 19899

October 17, 2006

*Via Hand Delivery*

The Honorable Sue L. Robinson  
United States District Court of Delaware  
844 North King Street  
Wilmington, DE 19801

Re: Northeast Controls, Inc. and St. Paul Mercury Insurance Company v.  
Fisher Controls International, LLC  
C.A. No. 06-CV-00412 SLR

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Dear Judge Robinson:

Enclosed for your consideration is a proposed Scheduling Order to which counsel for the parties have agreed. The scheduling teleconference is Wednesday, October 18, 2006 at 8:15 a.m.

I am available should the Court have any questions.

Respectfully submitted,

  
Paul A. Bradley

PAB/ds  
*Enclosure*

cc: William J. Cattie, III, Esquire (w/encl. – via hand delivery)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

NORTHEAST CONTROLS, INC. and  
and ST. PAUL MERCURY INSURANCE  
COMPANY,

Plaintiffs,

v.

FISHER CONTROLS INTERNATIONAL,  
LLC,

Defendant.

: C. A. NO. 1:06-CV-00412 SLR  
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**ORDER**

At Wilmington this \_\_\_\_ day of October, 2006, the parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2(a) and (b).

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2 no later than **November 10, 2006**.
2. **Discovery.**
  - (a) Discovery will be needed on the following subjects:
    - i. Plaintiff Northeast Controls, Inc.'s processing of orders for products manufactured by defendant Fisher Controls International, LLC;
    - ii. Plaintiff Northeast Controls, Inc.'s settlement of the lawsuits that resulted from the incident of May 20, 2000.
  - (b) All discovery shall be commenced in time to be completed by **October 19, 2007**.

- (c) Maximum of 25 interrogatories by each party to any other party.
  - (d) Maximum of 50 requests for admission by each party to any other party.
  - (e) Maximum of 25 depositions by plaintiff and by defendant.
  - (f) Each deposition, other than of expert witnesses limited to a maximum of 7.5 hours unless extended by agreement of parties.
  - (g) Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof due by **July 20, 2007**. Rebuttal expert reports due by **September 20, 2007**.
  - (h) **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to **two (2)** Rule 37 motions. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.
3. **Joinder of other Parties and Amendment of Pleadings.** All motions to join other parties or amend the pleadings shall be filed on or before **March 12, 2007**.
4. **Settlement Conference.** Pursuant to 28 U.S.C. § 636, this matter is referred to Magistrate Judge Thyng for the purposes of exploring ADR.
5. **Summary Judgment Motions.** All summary judgment motions shall be served and filed with an opening brief on or before **November 5, 2007**. Briefing shall be pursuant to D. Del. LR 7.1.2.
6. **Applications by Motion.** Any application to the court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of papers or correspondence to chambers. **Any nondispositive motion shall contain the statement required by D. Del. LR 7.1.1.**

7. **Motions in Limine.** All motions in limine shall be filed on or before **January 7, 2008**. All responses to said motions shall be filed on or before **January 14, 2008**.

8. **Pretrial Conference.** A pretrial conference will be held on **January 21, 2008**, at 9:30 a.m. in courtroom 6B, sixth floor, Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

9. **Trial.** This matter is scheduled for a two-week jury trial commencing on **February 18, 2008**, in courtroom 6B, sixth floor, Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.

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Sue L. Robinson  
United States District Judge